

S.D.N.Y. – N.Y.C.  
Forrest, J.\*

## United States Court of Appeals

FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 5<sup>th</sup> day of January, two thousand eighteen.

Present:

Rosemary S. Pooler,  
Richard C. Wesley,  
Peter W. Hall,  
*Circuit Judges.*

**USDC SDNY  
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**DATE FILED:** Jan. 05, 2018

*In re 650 Fifth Avenue  
and Related Properties*

17-3243, 17-3251, 17-3254, 17-3255, 17-3258,  
17-3260, 17-3261, 17-3262, 17-3264, 17-3265,  
17-3267, 17-3268, 17-3269, 17-3271, 17-3272,  
17-3276, 17-3278, 17-3304

Appellees move for partial reconsideration of the Court's November 16, 2017 order granting Appellants' motion for a stay pending appeal in each of these cases. We construe the motions for partial reconsideration as petitions for panel rehearing. Upon due consideration, it is hereby ORDERED that the construed petitions are GRANTED, in part, and DENIED in remaining part. See Fed. R. App. P. 40(a)(2), (a)(4)(C); *United States v. Monsanto*, 491 U.S. 600 (1989); *Caplin & Drysdale, Chartered v. United States*, 491 U.S. 617 (1989).

The order entered in these cases on November 16, 2017 is hereby MODIFIED as follows.

The following paragraph is STRICKEN from page 2:

- (e) In the event that distributions are made to the Alavi Foundation, the Trustee shall review and approve any disbursements by the Alavi Foundation from said distributions as outlined below.

The sixth paragraph and its subparagraphs on page 3 are STRICKEN and REPLACED with the

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\* The relevant district court docket numbers are: 08-cv-10934; 09-cv-165; 09-cv-166; 09-cv-553; 09-cv-564; 09-cv-4614; 09-cv-4784; 10-cv-1627; 10-cv-2464; 11-cv-3761; 12-mc-19; 12-mc-20; 12-mc-21; 12-mc-22; 13-mc-71; 13-cv-1825; and 13-cv-1848.

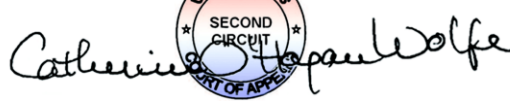
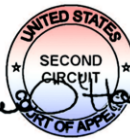
following paragraph:

The Trustee shall not make disbursements from the rental income of the Building to the Alavi Foundation or 650 Fifth Avenue Company for any purpose.

In the final paragraph of the order, the reference to “2062” is MODIFIED to “2062 (ruling on Motion 5, pages 12 through 16).”

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court

A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit